

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Griffin Sherbert	Team: Squad #7	CCRB Case #: 201907636	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/23/2019 7:30 PM	Location of Incident: [REDACTED]	Precinct: 84	18 Mo. SOL 2/23/2021	EO SOL 10/10/2021	
Date/Time CV Reported Tue, 08/27/2019 12:27 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 08/27/2019 12:27 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
[REDACTED]	[REDACTED]	[REDACTED]			
<b>Witness(es)</b>	<b>Home Address</b>				
[REDACTED]	[REDACTED]				
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. POM Dwayne Leon	30992	958808	084 PCT		
<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>		
1. POM John Garcia	11965	960573	084 PCT		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.POM Dwayne Leon	Discourtesy: Police Officer Dwayne Leon spoke discourteously to § 87(2)(b) [REDACTED]			[REDACTED]	

### Case Summary

On August 27, 2019, § 87(2)(b) filed the following complaint via the CCRB online complaint form.

On August 23, 2019, at approximately 7:30 p.m., § 87(2)(b) his girlfriend, § 87(2)(b) and two of the friends, were involved in a physical altercation with four § 87(2)(b)-year-old males in the vicinity of the southeast corner of § 87(2)(b) and § 87(2)(b) in Brooklyn. Police Officer Dwayne Leon and Police Officer John Garcia, both of the 84<sup>th</sup> Precinct, responded, and after speaking with both parties, § 87(2)(b) and § 87(2)(b) were arrested and transported to the 84<sup>th</sup> Precinct stationhouse.

At the stationhouse, while lodged within a holding cell, after PO Leon offered § 87(2)(b) his soda in response to his request for water, § 87(2)(b) stated, “That’s the reason why officers like Pantaleo don’t need to be on the force, and you’re similar to him.” PO Leon allegedly replied, “Fuck Eric Garner. I think [PO Pantaleo] should still be employed” (**Allegation A: Discourtesy-Word**, § 87(2)(g)).

The investigation obtained eight videos that captured several angles of video, without audio, from within the 84<sup>th</sup> Precinct stationhouse (BR01-BR08), as well as 13 Body-Worn Camera (“BWC”) videos from the involved officers (BR09-BR21).

### Findings and Recommendations

#### **Allegation A—Discourtesy: Police Officer Dwayne Leon spoke discourteously to § 87(2)(b)**

§ 87(2)(b) stated that on August 23, 2019, at approximately 7:30 p.m., he and his girlfriend, § 87(2)(b) along two other female friends, were involved in an altercation with four unidentified § 87(2)(b)-year-old males, in the vicinity of the southeast corner of § 87(2)(b) and § 87(2)(b) in Brooklyn (BR22). Shortly thereafter, PO Leon and PO Garcia responded. After both parties informed the officers of what had occurred, § 87(2)(b) and § 87(2)(b) were handcuffed by PO Leon and PO Garcia, and transported to the 84<sup>th</sup> Precinct stationhouse.

Upon arrival to the 84<sup>th</sup> Precinct stationhouse, § 87(2)(b) and § 87(2)(b) were lodged in the holding cells, and a few minutes later, PO Leon entered the holding cell area. § 87(2)(b) told him that he was thirsty and asked for some water. PO Leon asked § 87(2)(b) for his phone number. § 87(2)(b) asked why, but PO Leon did not offer an explanation. PO Leon told § 87(2)(b) that if he did not want to provide his phone number he was not going to get any water, and exited the holding cell area.

A few minutes later, PO Leon reentered the holding cell area with a three-fourths full bottle of Pepsi, and told § 87(2)(b) that he could have the rest of his soda. § 87(2)(b) told PO Leon that he thought it wrong for him to offer him a soda he had drank from, and stated, “That’s the reason why officers like Pantaleo don’t need to be on the force, and you similar to him.” PO Leon replied, “Fuck Eric Garner. I think he [PO Pantaleo] should still be employed.” § 87(2)(b) informed PO Leon that he knew the Garner family, and he replied, “I figured that.” PO Leon exited the holding cell area, and did not have any further interaction with § 87(2)(b) while he was held at the 84<sup>th</sup> Precinct stationhouse.

During the interview, § 87(2)(b) was shown several sections of the 84<sup>th</sup> Precinct stationhouse holding cell area footage (BR03). § 87(2)(b) confirmed that he recognized both himself and PO Leon in the footage. However, after viewing the several sections

of footage, and not seeing or locating the section wherein his alleged conversation with PO Leon occurred, § 87(2)(b) stated that the interaction with PO Leon may have occurred later in the evening, possibly one-hour after he was lodged in the holding cell.

The investigation obtained eight videos that captured several angles of video, without audio, from within the 84<sup>th</sup> Precinct stationhouse (BR01-BR08), the most relevant of which shows approximately one hour of the holding cell area where § 87(2)(b) is lodged (BR03). In the holding cell footage, § 87(2)(b) does appear to engage in a brief conversation with officers at various points, however, at no point is PO Leon seen entering and interacting with § 87(2)(b) by himself.

The investigation also obtained 13 BWC videos from the involved officers (BR09-BR21), however, none of the BWC videos capture any conversation between § 87(2)(b) and PO Leon while within the 84<sup>th</sup> Precinct stationhouse holding cell area.

PO Leon stated that on August 23, 2019, he did have a few interactions with § 87(2)(b) within the 84<sup>th</sup> Precinct stationhouse holding cell area. PO Leon's interactions with § 87(2)(b) solely occurred in the course of collecting his pedigree information for the arrest paperwork to assist PO Garcia who was the arresting officer.

PO Leon described § 87(2)(b)'s demeanor as angry, and that he talked at length about the validity of his arrest. PO Leon acknowledged that § 87(2)(b) had requested water from him at some point, but could not recall whether he provided him with water. Additionally, PO Leon recalled that he did offer § 87(2)(b) a soda at some point while he was lodged in the holding cells, but did not recall § 87(2)(b) being upset about it.

PO Leon denied that he talked to § 87(2)(b) about former Police Officer Daniel Pantaleo, and did not recall § 87(2)(b) independently raising former Officer Daniel Pantaleo's name. PO Leon did not recall engaging in any conversation with § 87(2)(b) in which he compared him to PO Pantaleo, denied that he said the phrase, "Fuck Eric Garner," and denied that he offered any personal opinion about former Officer Pantaleo to § 87(2)(b) or any other individual. PO Leon denied witnessing any other officer state the alleged phrases or engage in a similar dialogue with § 87(2)(b). PO Leon did not recall § 87(2)(b) making any remarks about Eric Garner, nor his relationship with Garner family.

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(b)

- ## Mediation, Civil, and Criminal Histories

- § 87(2)(b) [REDACTED]

Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_